

HAMILTON COUNTY BOARD OF COMMISSIONERS
OCTOBER 11, 2004

The Hamilton County Board of Commissioners met on Monday, October 11, 2004 in Conference Room 1A of the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana.

President Dillinger called the meeting to order. A quorum was present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt.

Law Library Reconfiguration: [CD1, #12:39:08]

Dillinger stated the Commissioners are meeting with the Judges to discuss the reconfiguration of the Law Library. Sturdevant stated the main issue is what do we do now to replace the space that we have lost for mediation. Is this conference room going to be available to the courts? Dillinger stated there is some room on the west side, outside of Nation's court that can be used. Nation stated he thought both rooms on the west side were going to be made into hearing rooms. Dillinger stated eventually. Dillinger stated this is temporary for you and us. We don't know how long temporary is. Altman stated she is willing to push forward to work with the Council for the next addition and Holt has indicated it was not his desire, in terms of timing. The Commissioners do not have consensus on that. Altman stated her thought was to try to move forward in the next five years to have the next tower available or at least moving towards it. Dillinger stated there are other issues, one is the garage we are considering building and we may put some governmental offices in to, which would free space in the judicial center. We are not in a position to make those decisions right now. Hughes stated we understand that, we came to the Commissioners and offered you space and we were told at that meeting that it was more than sufficient for your needs. The only thing we told you at that meeting was that we have definitive regular usage of three of those spaces and we want those spaces or comparable spaces when it is all said and done. We left the meeting understanding we had a deal. Now, after we had a deal, we don't have a deal. Altman stated she did not leave that meeting with that understanding. The Judges came back with a letter offering the unbuilt out portion of the law library, which did not meet the needs requested. There was not another alternate in the letter for more space or alternate space to meet the pressing needs we have. Hughes stated we obviously had a misunderstanding, Mr. Dawson was specifically asked whether or not the part of the law library where there are books would be sufficient to meet the space needs for planning and for Ms. Randall and Mr. Rushforth and we were told it would. Holt stated it was his understanding from that meeting that we had reached a conclusion that everyone was like minded. That is why he voted against it on July 27th because it took in those three rooms on the north side of the space. Altman stated her understanding of the meeting is that we were butting heads on where we going and we deferred it to the Judiciary to come back and give us their ideas on how we could fit all those areas together. We had not reached any consensus at that point. Hughes stated he would like to know how they are going to conduct business, that they have been conducting in those rooms, for the next five years? When people ask to use those rooms tomorrow, where are we supposed to send them? What are we supposed to do about the problems we have everyday between now and when your other problems are resolved. Dillinger asked what is wrong with the vacant rooms on the west side that are not being used? Hughes stated one of those rooms is the most probable place for the next judicial officer to be located and it will have to be remodeled to do that. It is the room next to Judge Nation's court. Dillinger stated that court has not been approved yet. Hughes stated if we have five more years before that court is approved, we have major problems and you are going to have other kinds of judicial officers sitting in there, most likely commissioners. We can not continue to manage the caseload without more people hearing cases. Hughes stated that is not a long term situation, it won't be very long before we get it. We could have a judge sitting in that courtroom in July. Altman stated we have sitting courtrooms for all judges including a new judge, how many additional hearing rooms do we have? Hughes stated we currently have eight full time judicial officers in this building. We have four additional small hearing rooms. Hughes stated those are not available rooms for us to have hearings in for most of the kinds of things that full-time judicial officers hear. They are used, they are not available all of the time and the idea that we could put a full-time judicial officer to hear their caseload in one of those rooms is not going to work. Altman stated at this point we are speculating and we don't need to speculate. We have immediate needs, we can build out what we want to build out with very little investment. Altman stated her personal opinion is that we need to figure out usage of courtrooms so we are prepared when we get a new judge. We have not looked at the available space on the second and third floors to see what our options are for the next five years. We are speculating on when the new judge comes in, she does not know how busy the courtrooms are, she does not know how much it costs to build out any other courtrooms. Right now we are busting at the seams and we can get something accomplished immediately and go down the road on more hearing rooms, if we need them, when and if we get another judicial center. Holt stated our only busting at the seams is the Prosecutor's office. We need to get Planning moved out of that space so we can get going on the Prosecutor's office expansion. To say we have to move Human Resources and Safety Risk Management is not really accurate. In terms of the space in the law library that we had consensus of everybody on, to move Planning up there, we have complete agreement. Taking those three rooms, moving people in two of them, when we are not really busting at the seams is creating this dissension. Why do it, why have that dissension? Altman stated everyone needs to visit Jeff Rushforth and if you don't call that busting at the seams I don't know what you call it. It is embarrassing when we have rooms on the second and third floors that we can be flexible with if everybody cooperates. Dillinger stated he agrees with Altman. Dillinger stated he understands that this is space we initially designated as judicial use space. There is more unused space in the top two floors of this building than anywhere else in this building. Dillinger stated until we can find a long-term fix, everyone has to give a little bit. Hughes asked where do you propose the people who are currently use those spaces go? Dillinger stated there are conference rooms on both floors? Hughes stated will they be made available? Hughes stated the conference rooms that are used 24 hours a day, 5 days a week already for people in trials. Dillinger stated yes and then the smaller courts that are not used all the time and the space outside Nation's court. Jury Assembly room is vacant much of the time. Holt stated we designed the second and third floor to do what it has done admirably for the 13 years we have been in this building. Why take away from what the second and third floor have done so well for us. Why make that dysfunctional when we have other places we can put these two employees that report to us. It seems illogical. Holt stated why not have Human Resources in the Commissioner's office area, we have the space. They report to the commissioners. Altman and Dillinger stated they do not see the space available there. Altman stated as long as she has practiced in this county, the law library has been under utilized. Holt stated we are not talking about saving the law library. Altman stated that entire area has not been properly utilized. Right now it would cost us next to nothing to service our immediate needs on a temporary basis in that area. We have two unused consult rooms that all we need to do is pop glass into. This will give us two more consultation rooms on the second and third floor. Altman stated she has had the maintenance department look at that. Hughes stated one of those consultation rooms you are going to pop glass in to is used everyday. Altman stated Scott Warner indicated there are two rooms that are consistently locked and he does not understand because the furniture is all worn out. Hughes stated why doesn't Scott Warner or somebody ask us? Hughes stated he unlocks those rooms everyday. If you want to know how he is

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using his space, ask him. Pearce stated the consultation room at the end of the second floor, which has a full wood door, is used by the deputies for storing the magnetometers for that floor. Altman stated we have so much room up there and so little room in other areas, she can not believe we can't make this work. Hughes stated the answer is no to replacement space being made available for the courts? Dillinger stated he is under the impression that there is enough unused space that on a temporary basis that we can make this work without any big imposition on anybody. Dillinger stated you are more familiar with the space than he is, but the times he has been up there, there are always rooms not being used. Hughes stated our practice is to schedule room space to be available in case the people show up for their court cases. We don't always know when that is going to occur or not occur. That does not mean we can schedule more than one thing to occur at the same time. We are currently using those consultation rooms for mediation that may take half a day or a whole day. We do not have space currently available to us, other than those rooms, that we can dedicate them with that kind of purpose reserved ahead a time. Altman asked if a hearing room can be used for mediation? Holt stated those hearing rooms are used for pre-trial hearings and depositions. Hughes stated mediation requires three rooms or at least two. One for each side of the parties and one for the parties to meet in jointly. We probably can get by with two rooms. He is not aware of any of the hearing rooms that are currently available at the same time on an all day basis. Altman asked if the rooms could be scheduled accordingly? Hughes stated we all sat in a meeting, ended up giving you about three times the square footage on a condition that we needed the two conference rooms and the law clerk area, which everybody wanted. We said to give us room on the other side of the room, but we need access to those spaces. There is no question that those conversations occurred and there is no question we put it into written form and did not even have to agree to what we agreed to. Frankly, the reason we are not happy is that after that meeting occurred there was a meeting in your room, which we were not invited to, where some interesting comments were made that are not the kind of comments that keep us all moving forward to work together, basically it was take it and lump it. We will go on, we understand the answer is no. Altman stated she takes issue with that, we have specific needs that were related and we wanted you to be part of the process and that is what we invited to have happen and that did not come back with that answer. We are still inviting you to be part of the process given the fact we want to retrofit at minimal costs. Hughes stated we gave you more space, that we are currently using, that you asked for. Every single request, other than the room beside Judge Nation's courtroom being turned in to office space, we gave you. The reason for not turning Judge Nation's room beside the courtroom in to office space was because we told you that it was possible that within six months we would be sitting in front of you and telling you we needed the space back because we had a judicial officer. It makes most sense to be in that room because he is supported by the two courts on that side of the building. What did we not cooperate with you on? I gave you access to ISS through my lobby. Dillinger asked how much of the front part of the library do you feel you would need to hold meditations? Hughes stated we asked for two conference room spaces equivalent to the size that we have currently, that would be shared with the folks using that area already. We did not ask for them constantly, we asked to be able to reserve them. Dillinger stated if we were able to adjust the front part of that room with two conference rooms, then would that satisfy you? Hughes stated all he asked for is that they be given comparable space that we can reserve. Dillinger asked if that is a compromise that would solve the problem? Sturdevant stated he personally does not have a quarrel with what may be the best space given the financial crunch, the point is that we have lost space and what we have left does not work as well as what was there. What he is asking is that a burden has been created and we simply share the burden of the space. Is there other space available? Would this room be available for conferences on a scheduled basis? That infringes on your space, but we have gone away to give up space. Dillinger stated if these conference rooms are not being used, then they should be used every time you can use it. Hughes stated these rooms can be used for mediation as long as we can have them in the time frame we need to have them. Altman stated in the plan laid out for the law library instead of having a conference area we can divide it into two spaces, enclose it. Dillinger stated he does not have a problem with that as long as we don't go to a lot of expense, if some how we can room off some conference rooms on the front end. Holt asked if there is room to do that why not put Human Resources and Risk Management in those rooms and keep the existing rooms for what they are currently being used for. When you are in the mediation process, glass goes a long way. Shutting people in a room with no windows is not an ideal situation. The space that is there should be used for mediation. Holt stated Dillinger stated earlier that the Judges know better than him, which is really telling because you are relying on what Scott Warner told you based on a room count. Altman stated she asked Mr. Warner to look at what conference rooms are not being utilized, that was his sole input. She is not relying on that information. Holt asked why would you not ask the court administrator what conference rooms are not being utilized instead the head of maintenance? Holt stated he is trying to figure out what Warner's measuring stick is and why it would not make sense to individually go on a walking tour with a user instead of getting an inventory from Scott? Holt stated he knows we went through it with Larry Dawson but Larry's ability to say what the usage of each room would be zilch. Altman stated she is happy to go on a walking tour with the judges to see what is available. Dillinger stated his reliance had nothing to do with Scott, his reliance was on the walk thru that we had and walk thru's he has taken in the past. Holt stated they were not with the judges or a judge. Dillinger stated he is willing to compromise and do the front part of it, if that compromise will satisfy everybody. Dillinger stated he sees this as a temporary thing, yes, you will be inconvenienced just like everyone else is. It is a give and take, the county is growing and the Judges know what this does to county services. We are not ignoring it, we are looking in to the parking garage, we are looking in to building on to the west side of this building, the Juvenile Detention Center, the jail. Altman stated we are at capacity at the jail, there are only so many dollars and that is why we are trying to do something on a temporary basis at the least cost possible. Dillinger stated we are trying to work through the COIT issue, we have some proposed legislation that would affect COIT and hopefully we will have money in the not to distance future to do some things. We do not have it right now. Proffitt stated it would be helpful to have those two conference areas in that present room but at the same time the construction is going on, it would be helpful to finish out one courtroom space for the west end so both of those rooms would become available. One of them could be used for conferences in a courtroom setting or depositions even if a new judge does not go in there right away at least the room would be done. As a third step if all the spaces are filled, have a procedure that Polly could be contacted and who does she call to make sure this room or that room is available as a third level of space to be used by the courts? Dillinger stated that sounds logical but in the financial crunch we are in it is not a logical time for us to do it. Proffitt stated she does not know about those costs, but if construction is going on in the third floor, lets do it. Dillinger stated we are not doing much construction on the third floor. The only construction on the third floor would be to give a couple of conference areas. Hughes stated we may have a need for construction to be done on the third floor in the area that Judge Proffitt is talking about in the near future, depending on what happens with legislation. One of the benefits of waiting, as he understands it, is that it effects the tax levy and the automatic capability of taxes. When Superior Court 3 was created there were two prosecutors, two probation officers,

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two sheriff's deputies, etc. because you get an automatic levy appeal when a court is created. One of the spaces we will have to move is a person that meets twice a month, half a day in those conference rooms for people to find indigent counsel. It did not work to put them in the hallways because the rooms were not always available. They are now in an area by Judge Proffitt. We may have other space needs that will come up. Hughes asked who is it we should call to schedule these rooms? Altman stated call Diana Lynch. Hughes stated he is not sure the spaces upstairs, depending on what they look like, will be terribly conducive to mediation. Pearce stated that area might be too small for two rooms. Dillinger asked Altman if she would agree to modify the area designated as a conference area by dividing it in two? Altman stated yes. Holt stated if you are willing to do that, why not make it the Human Resource and Safety Risk offices? Dillinger stated those people are in their offices all the time. You are saying it is unfair to have people mediate in an enclosed room, what about our employees that are their everyday? Hughes stated would those be the probation officers who have been in the same kind of space without windows? Hughes stated we want to be careful when we start talking about employees, we have lots of employees who have enclosed offices. Dillinger stated we are ready to make a move that gives the option to have windows and a better environment than they have had. All you are giving up are some windows and space that you feel we need to help facilitate the court situation. Hughes stated you are asking six judges with about 40 employees in a space where they call themselves moles and you mention one employee. There are lots of employees that don't have windows. Dillinger stated we have full-time employees that are here all the time verses meeting space that will be used occasionally. It makes more sense, if we have the option, to put full-time employees in there. Hughes stated he would like to see the proposal in written form. Dillinger and Altman agreed to do that. Nation stated if it is not going to be enough space that it will not be conducive for mediation he does not know why we would support it. The people using the rooms should look at how they are being designed and say this is usable. Nation stated he could order that those hearing rooms be used for meditation, it is not conducive to it, what difference would it make if they are not going to be used. Dillinger stated he does not want to go to any expense at all if it is not going to be utilized. Altman stated it should be fairly easy for Dawson to reconfigure the conference area. Hughes stated the room will have to have enough soundproofing so you can not hear what is being said in the room next to you. Altman stated is there some other area on the second or third floor that makes more sense to divide in two, inexpensively, temporarily? Dillinger asked Nation if the space next to him would do that? Nation stated there is no question that is a big room, but what are you going to do when we need the other items? Now you are two problems down the road. We now have no places for mediation, nor for the attorneys and now we have a court coming in so we are now kicking them out of there and we are putting more expense in to it. Altman asked if there is any other area on the second or third floor that if we are going to put limited construction dollars in to divide into two decent size mediation rooms? Altman stated she would be happy to walk thru with everyone. Nation asked how much area is needed for Sheena? Dillinger stated a lot of the space is for the confidential files and the need for confidentiality in dealing with employees. Nation stated he has heard today that there is a commitment that we can use these rooms down here if scheduled? Dillinger stated yes, any conference room in this building can be used as long as it is scheduled. Hughes stated he has had several people complain about the loss of the conference spaces and he does not even know how much they are used. Dillinger stated there is space on both sides of the Commissioner Courtroom that can also be used for conferences. Nation stated in this concept such as the conference room outside his court, you should know when I schedule that room, is Diana Lynch whom he is supposed to contact with his schedule? Hughes stated we do not schedule the consultation rooms because it would be a staff nightmare to lock them and maintain them. Attorney's use them as needed. Hughes stated so we don't have a misunderstanding if those rooms are conference spaces and we agree they should be available for usage by anybody, if you want them scheduled we don't have a mechanism right now to do that. Hughes stated he would strongly encourage that we not schedule those rooms. Dillinger stated he is not advocating that. He is talking about the use of this room and the room next door as a spillover to what the courts need. If they are not being used, you should be able to use them. Dillinger stated he is not advocating going upstairs to use the courts conference rooms. Altman stated it would have saved time if we would have all done the tour. Dillinger stated they will get something to the Judges as to our understanding. Altman stated in the mean time if there is an area that makes more sense let us know. Hughes stated the space outside of Nation's courtroom does not make sense for mediation.

Dillinger adjourned the meeting.

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The Hamilton County Board of Commissioners met in Executive Session in Conference Room 1A from 12:40 p.m to 1:40 p.m. President Dillinger called the public meeting to order at 1:58 p.m. A quorum was declared present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes:

Holt motioned to approve the minutes of September 27, 2004 and October 1, 2004. Altman seconded. Motion carried unanimously.

Executive Session Memoranda:

Holt motioned to approve the Executive Session Memoranda of October 11, 2004. Altman seconded. Motion carried unanimously.

United Way Campaign:

Mr. Richard Latus requested that Hamilton County declare October, United Way Month. Mr. Latus stated Judy Levine suggested and United Way would support employees being asked to contribute \$1.00 a pay period as a voluntary contribution for the 2005 United Way Campaign. Holt motioned to declare October, United Way Month in Hamilton County. Altman seconded. Motion carried unanimously. Dillinger stated we will leave out the part that encourages the employees to give a minimum of their pay. We can encourage the employees to participate but that is a personal decision. Altman asked what is the goal for Hamilton County? Mr. Latus stated \$2.3 million.

Bid Openings [2:03:13]

Highway Vehicles:

4x4 Wheel Drive Pick Up Truck:

Mr. Michael Howard opened the bids for the highway department 4x4 Pick Up Truck (2). HC Bid Form 06/03, Bid Bond, Non-Collusion Affidavit and Financial Statements were included unless otherwise specified. 1) Dan Young Tipton - \$26,713.63 each. 2) Don Hinds Ford - \$30,374.00 each. 3) Eriks Chevrolet - \$28,250.00 each. 4) Hare Chevrolet - \$26,955.89. 5) Tom Wood Ford - \$26,690.00. Howard recommended the bids be forwarded to the highway department for review and recommendation at the next meeting. Altman motioned to approve. Holt seconded. Motion carried unanimously.

4x4 Utility Truck:

Howard opened the bids for the highway department 4x4 Pick Up Truck (2). HC Bid Form 06/03, Bid Bond, Non-Collusion Affidavit and Financial Statements were included unless otherwise specified. 1) Dan Young Tipton - \$21,518.90 each. 2) Don Hinds Ford - \$23,790.00 each. 3) Eriks Chevrolet - \$22,200.00 each. 4) Hare Chevrolet - \$24,507.28 each. 5) Tom Wood Ford - \$24,045.00 each. Howard recommended the bids be forwarded to the highway department for review and recommendation at the next meeting. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Sheriff Car Laptops:

Howard opened the bids for the Sheriff car laptops. Form 96, Bid Bond, Financial Statement and Non-collusion Affidavit were included unless otherwise specified. 1) Bell Tech Logistics - no bid. 2) CDS Office Technologies - \$218,160.00 for 54 units. Howard recommended referring the bids to the ISS Department for review and recommendation at the next meeting. Altman motioned to approve. Holt seconded. Motion carried unanimously. Holt asked Ms. Casali to find out why there were non-participants.

AIC County Achievement Award:

Ms. Kathy Richardson presented the commissioners with the 2004 AIC County Achievement Award received for the 2004 4-H Government Tent. Richardson stated Kenton Ward was named AIC Surveyor of the Year and also received an award for Local County Cooperation.

Highway Business [2:13:58]

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Jim Neal requested the acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-04-0093 - Liberty Mutual Insurance Company Performance Bond No. 354-018-459 issued on behalf of Duncan Robertson, Inc. in the sum of \$789,116.05 for Bridge #257 to expire September 21, 2005. 2) HCHD #B-04-0094 - Liberty Mutual Insurance Company Payment Bond No. 354-018-459 issued on behalf of Duncan Robertson, Inc. in the sum of \$789,116.05 for Bridge #257 to expire September 21, 2005. 3) HCHD #B-04-0095 - United States Fidelity and Guaranty Company Maintenance Bond No. 400TE9789 issued on behalf of Delello & Sons Asphalt Paving, Inc. in the sum of \$17,639.60 for Vintage Woods, Section 2, stone, binder and surface - to expire August 18, 2007. 4) HCHD #B-04-0096 - Bond Safeguard Insurance Company Subdivision Performance Bond No. 5008836 issued on behalf of BMR Properties, LLC in the sum of \$5,000 for road right-of-way work 200' from project north on Greyhound Pass for 190' to expire October 1, 2005. 5) HCHD #B-04-0097 - Bond Safeguard Insurance Company Subdivision Bond No. 5012764 issued on behalf of Platinum Properties in the sum of \$342,000 for Cherry Creek Estates, Section 4, ConSPAN Bridge to expire October 4, 2006. 6) HCHD #L-04-0014 - Washington Mutual Bank Letter of Credit No. 00065104 issued on behalf of Portrait Homes - Weston Pointe LLC in the sum of \$109,451 for street improvements to expire September 21, 2005. 7) HCHD #L-04-0015 - Washington Mutual Bank Letter of Credit No. 00065105 issued on behalf of Portrait Homes - Weston Pointe LLC in the sum of \$89,567 for street improvements for the Weston Point subdivision to expire September 21, 2005. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Agreements /Supplements [2:14:25]

Subdivision Inspection Agreement:

Bridge #221, Cherry Creek Blvd. Over Vestal Ditch:

Neal requested approval of Subdivision Inspection Agreement, HCHD #A-04-0015, between Hamilton County and Janssen & Spaans (engineers) and Hamilton County and Platinum Properties (developer) for Bridge #221, Cherry Creek Blvd. over Vestal Ditch in Cherry Creek Estates Subdivision in the amount of \$6,000.00. Altman motioned to approve. Holt seconded. Motion carried unanimously.

106th Street and College Avenue:

Neal requested approval of Supplemental Agreement No. 1, HCHD #E-03-0009, with First Group Engineering, Inc. for 106th Street and College Avenue construction inspection. The local share is \$15,043.92. Neal stated the delays with utilities, this has forced the contractor to work longer shifts which is more hours for the inspectors. Holt

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motioned to approve. Altman seconded. Altman stated this brings up the necessity to put in all the utility agreements that they will move on time or bear our costs. Motion carried unanimously.

Ridge at Hayden Run, 1 & 2 Statement of Agreement and Liability:

Neal requested approval of a Statement of Agreement and Liability, HCHD #M-04-0038, with Centex Homes for installation of non-standard signs and posts. The agreement is for Ridge at Hayden Run, Sections 1&2. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Streets [1:16:47]

Vintage Woods, Section 2:

Neal requested acceptance of streets in Vintage Woods, Section 2 for a total of 0.4 miles of road. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence:

Neal requested concurrence with the list of correspondence concerning investigations of requests for signage on Hamilton County Roads. Altman stated she has a concern on the correspondence that requested a light be installed on 146th Street. The letter went beyond what the request was. Do we have a policy to do that? The only request was for the light and it went on to talk about warrants for stop signs or signals. Neal stated we put that in our response to let them know we realize that we do have something in the works for that intersection. Altman stated probably every intersection on 146th Street could warrant signalization, is that an area that we would want to stop traffic? Neal stated that is where 146th Street is crossing the Monon Trail and as soon as the Monon Trail continues north we will install the signal. Altman stated on the letter regarding the traffic signal on 131st Street, she would suggest revising the letter to show that we are only maintaining snow removal and routine maintenance in that area by interlocal agreement and upon annexation they assumed jurisdiction for capital improvements. Holt stated pragmatically that may be true but did the agreement say that? Altman stated we never signed an agreement but that was our understanding that we would maintain routine maintenance but not capital improvements for the Local Road and Street and Motor Vehicle tax. Holt motioned to approve the highway department responses as submitted. Dillinger seconded. Altman abstained. Motion carried.

Official Actions

Vintage Woods, Section 2 Regulatory Signs:

Neal requested approval of an official action to install various regulatory signs for the Vintage Woods, Section 2 Subdivision. Altman motioned to approve. Holt seconded. Motion carried unanimously.

186th Street Regulatory Signs:

Neal requested approval of an official action to install regulatory signs for establishment of a 45 mph speed limit on 186th Street from East Street to Grassy Branch. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Permission to Advertise

Small Structure #23066, Victory Road over Musselman Ditch:

Neal requested permission to advertise for replacement of Small Structure #23066, Victory Chapel Road over Musselman Ditch. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Commerce Drive Extension Consultant Selection:

Neal requested consultant selection for Commerce Drive Extension/96th Street improvements in Clay Township. Altman motioned to request Corradino Group do this work. Holt seconded. Motion carried unanimously.

Highway Storage Building:

Mr. Brad Davis stated the Noblesville Public Works Board met last week regarding the construction of the highway storage building. They have concerns about building over the sewer line. It was not a no, but there was an agreement that re-routing the line was not feasible due to the shallow grade. The suggestion was to replace with ductile iron pipe. The Board could not make a decision at the meeting so they are taking it to the Mayor next Wednesday.

Site Distance Problems:

Dillinger stated he has received calls from citizens regarding a site problem at 9102 206th Street where there is a bush located right next to the road. Dillinger stated the other site distance problem is at 19715 Allisonville Road. Dillinger asked the highway department to check in to these situations, check our right of way to see if those obstructions are on county right of way and report back to the commissioners at the next meeting. Howard stated on the Allisonville Road issue it was pre recording of the documents so you would want to look at the plat for right of way as opposed to where INDOT put their monuments.

106th Street and Westfield Boulevard:

Altman stated she received a call from Meredith Carter regarding the site distance problems of the detour signs for 106th Street and Westfield Boulevard. Altman asked the highway department to look at that.

Dillinger called a break in the meeting [2:25:56]

Dillinger called the meeting back to order. [2:45:20]

Flexible Plan Renewal:

Mr. John Elmer stated the Flexible Spending Plan needs to be renewed each year. Nyhart, the administrator of the plan, has agreed to a rate hold. There will not be any increase in the fees for 2005. That program has a very high participation from the employees. The Insurance Committee recommends approval of an amendment to the Plan that would increase the annual maximum that an employee can allocate to the Plan from \$2,000 to \$4,000. The only concern for the county is that an employee could run up a lot of charges early in the year and then leave. If they leave the county does not get to recoup that money. The comfort comes as of year-to-date the Payroll Department nor Nyhart knows of anyone who has left the county with charges outstanding. If an employee does not use that money and the calendar year runs out they lose that to the general funds of the Plan. Holt asked if someone leaves before the end of the year and spends more than has been contributed, are we set to use departure, vacation days, etc. for the over run? Dillinger stated no. Holt asked how many employees do we have at the maximum level right now? Elmer stated he does not have that information. Dillinger stated it is being heavily utilized. Altman asked how did the increase come about? Elmer stated people have asked for it. Altman stated if it becomes a problem we can visit it at the end of the year. Altman motioned to approve. Holt seconded. Motion carried unanimously. Elmer stated employees will make their election in early November. Ms. Robin Mills stated they will request from the commissioners mandatory meetings for employees to attend and then a deadline set of the end of November for paperwork to be submitted to the payroll department so we can start setting up the system in December. Holt stated he did not understand if the meeting will be an annual mandatory meeting or for someone that had never been to a meeting. Mills stated the mandatory meeting is for employees whom have never been to a meeting. This meeting is also on video tape so if someone comes in during

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the middle of the year they can watch the tape and make their choices. Elmer stated the meeting dates we are looking are November 9 and 11. Holt asked if there would be any merit in offering the tape to people who can't make the meeting? Mills stated she will discuss that with Sheena Randall.

Washington Township Parks and Recreation: [2:52:52]

Dillinger stated the commissioners received a letter from the Washington Township Parks and Recreation concerning McGregor Park site off SR 38. Altman stated we tried to cut a deal with them regarding right of way for Cool Creek Park and they indicated that when you have park land it can not be touched. Dillinger gave the letter to Brad Davis to investigate and make a recommendation to the commissioners.

Commissioner Committee Reports [2:55:42]

Humane Society:

Holt stated he has not heard from the Hamilton County Humane Society. Holt stated the spay-neuter group is anxious to have a meeting with the commissioners but we need to wait to see where the humane society stands. Altman asked to schedule a meeting with all the parties. Holt asked Mr. Swift to set up the meeting with the commissioners, humane society and spay-neuter group.

Regional Transit Authority:

Altman stated we have received a copy of the executed ordinance from Marion County regarding the Regional Transit Authority. The ordinance does specifically exclude taxation authority. It is on the Hamilton County Council's agenda for October 13th.

Altman asked what is on the council agenda regarding the Juvenile Detention Center? Howard stated he is requesting an additional appropriation which will be a non-cash transfer. Under the lease statute the county has to transfer land to the Building Corporation at an appraised value. At closing the Building Corporation will pay the county the appraised value. The money will then be appropriated back to the Trustee of the building fund. Howard stated he will also be presenting the resolution on the Shell station and Red Cross building.

Juvenile Detention Center: [2:59:42]

Captain Dan Stevens requested approval of three change orders for the Juvenile Detention Center site work. 1) Gradex - \$133,892.00 for installation of a redesigned waterline. Holt motioned to approve. Altman seconded. Motion carried unanimously. 2) Gaylor Group - \$37,351.00 to accommodate additional conduit to extend fiber optics to SR 37. Altman motioned to approve. Altman seconded. Motion carried unanimously. 3) Gradex - \$14,455.00 for lime stabilization. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Howard presented four contracts for the construction portion of the Juvenile Detention Center project. 1) Al Porter Commercial Painting - \$220,810.00. 2) Weigand Construction Company, Inc. - \$6,980,500.00. 3) James Babcock - \$3,062,350.00. 4) Keusch Glass, Inc. - \$937,600.00. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Clay Terrace Road Closure: [3:05:11]

Neal stated the Grand Opening for Clay Terrace is this Friday, October 15th. Lauth has requested they be allowed to keep the road between the two roundabouts closed until Monday. They want to use portions of the road for their opening weekend festivities. Lauth has set up 24 hour traffic direction by their security staff for those three days. Neal stated the highway department has a road closure permit with a hold harmless clause to make sure the county is covered with the closure. This road will become Carmel's road once it is fully acceptable. We will not have time to get the permit before the commissioners before the closure. Neal requested the commissioners concurrence to execute the permit. Altman stated subject to traffic control and indemnity? Neal stated yes. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Administrative Assistant

Treasurer's Office Extended Hours:

Mr. Fred Swift stated the Treasurer's Office has requested extended hours in advance of the November 10th property tax payment deadline. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Altman stated the Visitor's Commission would like to request funding be taken from their tax dollars to allow Sally Wilson to employ Charles Bastin to review the payment history of the Innkeeper Tax. Under the statute the Treasurer has the same authority as the Department of Revenue in regards to collection and compliance. It does allow for the Treasurer to hire people for that purpose on their behalf. Altman had concurrence of her fellow commissioners to proceed.

Delaware Township Poor Relief Appeal: [3:10:40]

Altman motioned to deny the Poor Relief Appeal of Michelle Mills for failure to attend and show cause. Holt seconded. Motion carried unanimously.

Brinker International:

Swift stated the county has received a letter from Brinker International stating they are holding a payment of \$51.43 that belongs to the county. Swift stated we believe the money has something to do with a health department licensing fee. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Clay Township Regional Waste District Appointment:

Swift stated the Clay Township Regional Waste District has requested the appointment of Bob Book to their wage determination committee. Altman motioned to approve. Holt seconded. Motion carried unanimously.

AIC Award Signs:

Swift stated in the past we have tried to put the AIC Award signs at the entries to the county line. Swift suggested the sign being mounted on the courthouse square until the end of the year and then house it in the courthouse. Swift stated it is expensive to place signs at all the entrances to the county. Dillinger stated he would like to display the signs in this building. Altman motioned to display the sign for one month and then find a place to post it in the building along with the other achievement awards. Holt seconded. Motion carried unanimously.

Attorney

Partial Release of Leasehold Interest in Real Estate:

Howard requested approval of a partial release of leasehold interest in real estate for the Juvenile Detention Center Project. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Juvenile Detention Center Bonds:

Howard stated the closing on the bonds for the Juvenile Detention Center project will be October 20, 2004 and then Notice to Proceed for construction will follow.

Builder's Risk Insurance:

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Howard stated Bob Fearrin has received quotes for Builder's Risk and the most responsive quote was from St. Paul Traveler's with an annual premium of \$26,505 and a 27-month premium of \$56,689. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Liability Trust Claim:

Howard presented a claim payable from the Liability & Casualty Trust Account in the amount of \$8,417.50 for various litigation expenses for the period of July 27- October 7, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

COIT:

Howard stated the COIT issue has a tremendous effect on the citizens of Hamilton County. The level of all of government services can not keep up if COIT does not keep up.

Sheriff

2005 Operating Budget:

Sheriff Doug Carter stated he has met with Howard to discuss the Juvenile Detention Fund and Jail Fund and how to supplement the 2005 operating budget. Howard has agreed that the language in the current ordinance is ok and when we need to transfer monies from those funds for appropriate operating expenses we can do that. The savings to the general fund will be approximately \$400,000- \$600,000 in 2005. Holt asked if the county has the ability to charge a per diem to people in jail? Stevens stated there is a statute that allows that but you have to prove that the person is above poverty level to charge a per diem. Holt requested it be investigated further with the prosecutor and judges to encourage they impose the per diem. Stevens stated they are taking a comprehensive look at the entire system. We are involving the prosecutor, judges, probation, commissioners and county council to come up with short- range solutions and long- range projections.

Radio Tower Bond:

Carter stated he met with Mills regarding the remaining monies in the Radio Tower Bond and it should be closed by the end of the year.

Jail:

Carter stated he met with RQAW to discuss the maximizing of space at the jail for the next decade. It is an ongoing discussion.

Homeland Security Conference:

Carter stated he and Altman along with several people from Hamilton County presented our spending plan to the Marion County core group regarding the Homeland Security Grant. Dialog has started with Marion County to define operability, what they will allow us to do with our voice and data. By the next urban group meeting we should have an approved spending plan and will be recipients of approximately \$5 million.

Auditor [3:34:51]

Liability Trust Claim:

Altman asked if it is possible in the Park's contracts, where we charge rent, that we can have an agreement that we are not responsible certain natural elements? Howard stated we will look at some type of relinquishment of liability.

Mills requested approval of Liability Trust Claim in the amount of \$10,000. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Superior Dock Lease:

Mills requested approval of the Lease Contract for Superior Dock Company d.b.a. Abaco Dock & Lift Company for rental of 4-H barns for boat storage. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bid Bond - Fire Protection Design:

Mills requested acceptance of the Bid Bond for the Fire Protection Design project. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Mills requested acceptance of the Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2004-00073 Bond Safeguard Insurance Company Subdivision Performance Bond N. 5013467 for the Village of West Clay, Section 9004 - \$75,772.00. 2) HCDB-2004-00074 Bond Safeguard Insurance Company Subdivision Performance Bond No. 5013468 for the Village of West Clay, Section 9004 erosion control - \$23,000.00. 3) HCDB-2004-00075 Bond Safeguard Insurance Company Subdivision Performance Bond No. 5013469 for the Village of West Clay, Section 9004 storm sewer - \$5,400.00. 4) HCDB-2004-00077 Bond Safeguard Insurance Company Subdivision Performance Bond No. 5008833 for off-site drainage at Bainbridge - \$9,508.00. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Drainage Board:

Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2004-00035 Bond Safeguard Insurance Company Performance Bond No. 5003798 for the storm sewer on the Commerce Drive Extension - \$17,500.00. 2) HCDB-2004-00035A Bond Safeguard Insurance Company Payment Bond No. 50037898 for storm sewer on the Commerce Drive Extension - \$17,500.00. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims:

Mills requested approval of Payroll Claims for the period of September 13 - 26, 2004 paid October 8, 2004. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Vendor Claims:

Mills requested approval of Vendor Claims for payment October 12, 2004. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Holt motioned to adjourn the meeting. Altman seconded. Motion carried unanimously.

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Correspondence

Clay Regional Waste District Letter

Richard O. Albright Letter

INDOT Resolution Establishing Traffic Controls on SR 32

IDEM Notice of Public Comment Period:

Clarian Medical Center

IDEM Notice of Sewer Permit Applications:

Westfield Washington Transportation Facility - Westfield

Elementary School - Westfield

Sewer Extension - City of Carmel

Harrison Point - Fishers

Cass Estates - Carmel

Parkwood Lift Station and Force Main - Carmel

Parkwood West Sanitary Sewer Extension - Carmel

IDEM Notice of Sanitary Sewer Plans & Specifications:

Settlers Mill, Section 3 - Noblesville

Barrington Estates Wastewater Treatment Plant - Fishers

Barrington Estates, Section 1&2 Sanitary Sewer - Fishers

Andover, Section 2 - Westfield

The Reserve at Geist, Phase Two - Noblesville

Stoney Hollow at Stoney Creek Estates, Section 4 - Noblesville

Thorpe Creek, Section 1 - Fishers

Claybourne, Section 3 - Carmel

Central Park - Carmel

Slater Ridge, Section 1 & 2 - Noblesville

Slater Run, Section 1 - Noblesville

Slater Woods, Section 1 - Noblesville

Harrison Pointe - Fishers

The Horizons at Cumberland, Section 1 - Noblesville

Fishers Trade Center, Phase Four - Fishers

Present

Christine Altman, Commissioner

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Kim Rauch, Administrative Assistant to Auditor

Fred Swift, Administrative Assistant to Commissioners

Michael A. Howard, Attorney

Doug Carter, Sheriff

Brad Davis, Highway Director

Jim Neal, Highway Engineer

Virginia Hughes, Administrative Assistant to Highway Engineer

Amber Emery, Highway Public Service Representative

Dave Lucas, Highway Inspector

Robert Chadwell, Highway Inspector

Steve Broermann, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Joel Thurman, Highway Project Engineer

Matt Knight, Highway Staff Engineer

Mike McBride, Small Structure Staff Engineer

Faraz Kahn, Highway Department

Kathy Howard, Highway Department

Steve Nation, Judge

Bernard Pylitt, Judge

Bill Hughes, Judge

Rick Campbell, Judge

Wayne Sturdevant, Judge

Judy Proffitt, Judge

Polly Pearce, Court Administrator

Richard Latus, United Way

Loretta Moore, United Way

Don Knorr

Terry Click

Becki Wise, USI

Denny Neidigh, CMT

John Elmer, Once Source Insurance

BJ Casali, ISSD

Floyd Burroughs, FEBA

Jerry Larrison, BLN

Jeff Hill, The Corradino Group

Dan Stevens, HCSD

Bob Davis, Highway Superintendent

Debbie Driskell, Delaward Township Trustee

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Kathy Richardson, Voter’s Registration

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor